

REGULAR MEETING

March 11, 1996

The Regular Meeting of the Annapolis City Council was held on March 11, 1996 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Moyer offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty, Public Works Director Patmore, Personnel Director Davis, Central Services Officer Harrison

Alderman Snowden moved to approve the Minutes of February 12 and 26, 1996. Seconded. CARRIED on voice vote.

AWARDS AND PRESENTATIONS

Mayor Hopkins and Major Cassin B. Gittings presented Distinguished Service Citations to Midshipmen First Class Peter Reibe, Carter Richardson and Barton Phillips.

Mayor Hopkins presented a proclamation and plaque to Marlene Bruce Patmore in recognition of her 34 years of service.

Dan Kober, Co-Chair, Anne Arundel County Commission on Disability Issues and Bill Anderson, Director of Commission on Disability Issues, presented a Citation to Central Services Officer Emory Harrison in connection with the Main Street Reconstruction Project.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Katherine Greer, Board Member
Ward I Residents Association
16 Fleet Street
Annapolis, Md. 21401

Spoke regarding Resolutions R-10-96 and R-11-96.

2. Sherry Wimms, Project Director
Interfaith Volunteer Caregivers of Anne
Arundel County
no address given

Spoke regarding the use of the Silopana Road facility.

3. Mayse Pearson, Director
Annapolis Alliance for Sustainable Communities
no address given

Spoke regarding Resolution R-5-96.

4. Lillian Lee
20 Jefferson Place
Annapolis, Md. 21403

Spoke regarding the use of the Silopana Road facility.

ACTION ON APPLICATIONS AND APPEALS

- R-10-96** For the purpose of approving the application of George Phillips and Annapolis Harbour House, Inc, trading as The Food Basket, for a conditional use to establish a delicatessen located at 110 Dock Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Hammond recused herself due to a possible conflict of interest.

Alderman Gilmer moved to adopt R-10-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden, DeGraff
ABSTAIN: Alderman Moyer
CARRIED: 6-0-1

- R-11-96** For the purpose of approving the application of PBCL, Inc. t/a Einstein's Bagels for a conditional use to establish a standard restaurant/delicatessen located at 122 Dock Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Hammond recused herself due to a possible conflict of interest.
Alderman Tullier recused himself due to a possible conflict of interest.

Alderman Snowden moved to adopt R-11-96. Seconded.

Alderman Snowden moved to amend R-11-96 as follows:

Amendment No. 1:

On page 2, line 26, delete "5:30 a.m." and substitute "6:00 a.m."; and on line 27 delete "5:30 a.m." and substitute "6:00 a.m.".

Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken was taken on the main motion, as amended:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Snowden, Turner, DeGraff, Moyer
ABSTAIN: Alderman Hammond
CARRIED: 7-0-1

LEGISLATIVE ACTION

ORDINANCES

- O-51-95** For the purpose of amending the floor area ratio requirements to allow existing buildings in the Historic District to expand internally; and all matters relating to said requirements.

Alderman Snowden moved to withdraw O-51-95. Seconded. CARRIED on voice vote.

- O-53-95** For the purpose of establishing that the City Council shall establish, by resolution, fares that may be charged by pedicab owners and operators within the City limits; and all matters relating to said fares.

Alderman Snowden moved to withdraw O-53-95. Seconded. CARRIED on voice vote.

O-54-95 For the purpose of adopting the BOCA National Building Code (12th Edition) and BOCA National Energy Code (7th Edition), all with amendments; adopting the National Mechanical Code (8th Edition); revising the Fire Prevention Code; amending the adopted Annapolis City Plumbing Code concerning shower and tub valves and the issuing authority and permit terms; and all matters relating to said Codes.

Alderman Gilmer moved to adopt O-54-95 on second reading. Seconded.

The Economic Matters and Housing and Human Welfare Committees reported favorably on O-54-95.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-54-95 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

O-57-95 For the purpose of providing that the City Attorney shall present claims on behalf of the City to the Public Safety Disability Retirement Board; providing that the Board shall have jurisdiction over such matters as are assigned to it by the City Code; requiring the chair of the Board to be an attorney admitted to practice in the State of Maryland; and all matters relating to said Board.

Alderman Tullier moved to adopt O-57-95 on second reading. Seconded.

The Rules Committee reported favorably on O-57-95.

Alderman Snowden moved to amend O-57-95 as follows:

Amendment No. 1:

On page 2, line 31, immediately following "Maryland", add "WITH EXPERIENCE AND TRAINING IN DISABILITY LAW".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-57-95 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-57-95 Amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

O-59-95 For the purpose of providing a process for responding to citizen complaints in an expeditious and efficient manner; and all matters relating to said process.

Alderman Snowden moved to adopt O-59-95 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-59-95.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-59-95 on third reading. Seconded. CARRIED on voice vote.

O-62-95 For the purpose of clarifying building permit expirations and extensions; and all matters relating to said building permits.

Alderman Snowden moved to adopt O-62-95 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-62-95.

The Environmental Matters Committee reported favorably with amendments on O-62-95.

Alderman Tullier moved to amend O-62-95 as follows:

Amendment No. 1:

On Page 3, line 11, immediately following "one hundred" strike "twenty" and substitute "EIGHTY".

Amendment No. 2:

On Page 3, lines 21 and 22, strike all language after "expiration" and add "DATE OF THE PERMIT".

Amendment No. 3:

On Page 3, line 25, strike beginning with "commenced" through and including "period" on line 26 and substitute "COMPLETED PRIOR TO THE EXPIRATION DATE OF THE PERMIT,".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-62-95 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-62-95 Amended on third reading. Seconded. CARRIED on voice vote.

O-65-95 For the purpose of establishing City policy and laws governing the extension of City water and sewer service to users outside the City boundaries; establishing those policies and laws so as to discourage and to limit the extension of water and sewer service outside the City and to create incentives for users outside the City who do receive City water and/or service to petition for annexation; and all matters relating to said policies.

Alderman Snowden moved to adopt O-65-95 on second reading. Seconded.

The Economic Matters and Environmental Matters Committees reported favorably on O-65-95.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-65-95 on third reading. Seconded. CARRIED on voice vote.

O-1-96 For the purpose of creating and establishing the City of Annapolis Revenue Authority; providing for the appointment, composition, and terms of the

members of the authority; authorizing and empowering the authority to fix and revise tolls, rates, rentals, fees, and charges for the use of its projects or the provision of its services; authorizing and providing for the issuance of bonds, notes, or other obligations by the authority; specifying the contents of the resolutions to be adopted by the authority authorizing the issuance of its bonds, notes, or other obligations; providing that any bonds, notes, or other obligations of the authority shall not be a general obligation of the city, shall not constitute a debt of the city within the meaning of any constitutional, statutory, or charter provision, and shall not be a pledge of or involve the faith and credit or the taxing power of the city; providing for the rights and remedies of bondholders; specifying the use of the proceeds of the bonds, notes, or other obligations of the authority; providing that the city shall not limit or later the rights of the authority while its bonds, notes, or other obligations are outstanding; authorizing and providing for the entry into trust indentures by the authority to secure its bonds, notes, or other obligations; authorizing and empowering the city to take certain actions with respect to the authority; providing for the deposit and audit of the funds of the authority, the publication of financial statements and the inspection of records of the authority; prescribing contract bidding requirements; and generally relating to the organization, powers, rights, and duties of the authority.

Alderman Snowden moved to withdraw O-1-96. Seconded. CARRIED on voice vote.

O-10-96 For the purpose of authorizing the City Council to lease certain municipal property located in the general harbor and Dock Street area to United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 2000, subject to certain terms, provisions, and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

Alderman Snowden moved to adopt O-10-96 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-10-96.

Alderman Tullier moved to amend O-10-96 as follows:

Amendment No. 1:

On Page 3 of the Lease Agreement, Section 3.6, in the second line of that paragraph, immediately following "disabled," strike "evenly"; and on page 7 of the Lease Agreement, Section 8.3, in the second line of that paragraph, immediately following "facilities", strike "evenly".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-10-96 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt O-10-96 Amended on third reading. Seconded. CARRIED on voice vote.

O-11-96 For the purpose of amending the configuration of the Annapolis harbor line outboard of 7428 Bluff Lane, "The Bluffs Condominiums", and 7416 Edgewood Road on Back Creek; and all matters relating to said harbor line.

Alderman DeGraff moved to adopt O-11-96 on second reading. Seconded.

The Environmental Matters Committee and the Port Wardens reported favorably on O-11-96.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-11-96 on third reading. Seconded. CARRIED on voice vote.

- O-13-96** For the purpose of authorizing the lease of certain municipal property located at the City Dock to Chesapeake Bay Foundation, Inc., for calendar year 1996, for the purpose of docking and mooring the vessel known as "Stanley Norman"; and all matters relating to said lease.

Alderman Snowden moved to adopt O-13-96 on second reading. Seconded.

The Finance Committee reported favorably on O-13-96.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-13-96 on third reading. Seconded. CARRIED on voice vote.

- O-14-96** For the purpose of authorizing the lease of certain municipal property located at the City Dock to Harbor Cruises, Ltd., for a certain period of time, at a certain rental and under certain terms and conditions, for the purpose of docking and mooring certain boats; and all matters relating to said lease.

Alderman Snowden moved to adopt O-14-96 on second reading. Seconded.

The Finance Committee reported favorably on O-14-96.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-14-96 on third reading. Seconded. CARRIED on voice vote.

- O-18-96** For the purpose of establishing that the Environmental Commission shall elect a chairman from its membership; providing certain staff support; revising certain powers and duties; and all matters relating to said Environmental Commission.

Alderman Snowden moved to adopt O-18-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee.

- O-19-96** For the purpose of deleting the supermajority provision from Section 20.32.080; and all matters relating to said provision.

Alderman Snowden moved to adopt O-19-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-22-96** For the purpose of establishing a zoning classification of R2, Single Family Residence District and a Critical Areas Overlay designation of Limited Development Area (LDA) for the Mericare Associates Limited Partnership Property Annexation, for the property generally located on Bembe Beach Road, contiguous to the existing boundary of the City of Annapolis; and all matters relating to said zoning map amendment.

Alderman DeGraff moved to adopt O-22-95 on first reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to suspend the rules to dispense with the second reading and fiscal impact note on O-22-95. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-22-95 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, DeGraff, Moyer
CARRIED: 9-0

O-23-96 For the purpose of revising certain timetables for the Capital Improvement Program and Budget; and all matters relating to said program and budget. Alderman Snowden moved to adopt O-23-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

O-24-96 For the purpose of establishing the procedures for the filling of vacancies when an existing contractual position is classified into the civil service under certain conditions; and all matters relating to said procedures.

Alderman Tullier moved to adopt O-24-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

RESOLUTIONS

R-5-96 For the purpose of imposing a moratorium on further City-authorized development in the Forest Drive corridor pending the outcome of a current City of Annapolis/Anne Arundel County study, providing the County shall impose a similar moratorium; and all matters relating to said moratorium.

Alderman Snowden moved to adopt R-5-96. Seconded.

The Rules and City Government Committee reported favorably with amendments on R-5-96.

Alderman Johnson moved to amend R-5-96 as follows:

Amendment No. 1:

On Page 2, line 20, immediately following "Forest Drive" add "to Bay Ridge".

Amendment No. 2:

On Page 2, line 22, add the following:

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that, during the moratorium, no final action shall be taken on requests for annexation.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner
NAYS: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer
DEFEATED: 6-3

Alderman DeGraff presided over the meeting from 9:00 p.m. to 9:10 p.m.

A ROLL CALL vote was taken on the main motion.

YEAS: Aldermen Hammond, Johnson, Turner

NAYS: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer

DEFEATED: 6-3

R-8-96 For the purpose of supporting a Maryland Department of Housing and Community Development (DHCD) Neighborhood Business Development Program (NBDP) loan to Herrmann Advertising Design, Inc. for the acquisition, renovation and use of the property known as 28-30 West Street, Annapolis, Maryland; and all matters relating to said support.

Alderman Moyer moved to adopt R-8-96. Seconded. CARRIED on voice vote.

R-9-96 For the purpose of creating a commission to study and to offer a public forum for proposals to alter the form of government of the City of Annapolis; and all matters relating to said commission.

Alderman Snowden moved to adopt R-9-96. Seconded. CARRIED on voice vote.

R-12-96 For the purpose of requesting that the Mayor convene at 7:30 p.m. the special meetings normally held on the fourth Monday of the month; and all matters relating to said request.

Alderman Moyer moved to adopt R-12-96. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Economic Matters Committee Minutes of 2/22/96

Alderman DeGraff moved to approve the Economic Matters Committee Minutes of 2/22/96. Seconded. CARRIED on voice vote.

2. Finance Committee Minutes of 2/29/96

Alderman DeGraff moved to approve the Finance Committee Minutes of 2/29/96. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman Snowden moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 2/22/96 and 2/26/96:

Building Board of Appeals:
Ethics Commission:

Jefferey C. Henderson
David Z. Earle

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:50 p.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**